

MHNG180006502019



**Regular Civil Suit No. 40/2019
Rama Vs. Chandrababha & Ors.**

**ORDER BELOW EXH. No.25
(Passed on 19th December, 2022)**

This is an application filed by plaintiff for condonation of delay in bringing Legal Representative of the deceased defendant No. 1 Chandrababha Khobragade on record. Say of other side has been called. Defendant No. 2 has filed his say on this application. Perused the application and say there on. Heard learned counsels for both parties.

2 It is contention of the plaintiff that, defendant No.1 namely Chandrababha Khobragade died on 23.04.2021 in pandemic period but earlier counsel of plaintiff had not taken any appropriate steps for bringing legal heirs of deceased defendant No. 1. Therefore, there is a period of 90 days for bringing legal heirs of defendant No. 1 has expired, hence there is a delay in caused for filing abatement application and bringing legal heirs on record.

3. It appears from the record that the plaintiff has filed this application on 24.11.2022. Considering above legal position it clears that the plaintiff has filed this application after one year. Therefore, there is necessity to condone delay and bringing LR's on record. Therefore, considering right of the party of fair opportunity, it is necessary to give permission to the plaintiff for bringing LR's of defendant No.1 on record. Hence, I have passed following order:

O R D E R

1. The application is allowed.
2. Delay to file application to bring LR's. of deceased defendant No. 1 on record is hereby condoned.
3. Legal representative of defendant No. 1 is hereby bring on record.
4. The Ld. Counsel for the plaintiff shall make amendment in title clause of his plaint Exh.1, accordingly within 14 days.
5. Parties to bear their own costs.

Dated : 19/12/2022
Place : Kalmeshwar.

(Smt. J.D.Hushangabade)
Civil Judge (Jr. Dn.),
Kalmeshwar.